

Order

**Supreme Court
Lansing, Michigan**

September 21, 2005

Clifford W. Taylor,
Chief Justice

126578
126579

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DOROTHY CREECH,
Plaintiff-Appellee,

v

SC: 126578
COA: 237437
Jackson CC: 00-005650-NO

W.A. FOOTE MEMORIAL HOSPITAL, INC.,
Defendant,

and

STERIS CORPORATION,
Defendant-Appellant.

DOROTHY CREECH and ALL OTHERS
SIMILARLY SITUATED,
Plaintiffs-Appellees,

v

SC: 126579
COA: 237443
Jackson: 00-005650-NO

W.A. FOOTE MEMORIAL HOSPITAL, INC.,
Defendant,

and

STERIS CORPORATION,
Defendant-Appellant.

By order of April 14, 2005, the application for leave to appeal was held in abeyance pending the decision in *Henry v Dow Chemical Co* (Docket No. 125205). On order of the Court, the opinion having been issued on July 13, 2005, 473 Mich 63 (2005), the application is again considered, and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for reconsideration in light of *Henry*, and the cases cited therein, on the issue of whether plaintiffs have presented valid tort claims.

CAVANAGH and KELLY, JJ., would deny leave to appeal.



10914

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 21, 2005

Corbin R. Davis

Clerk